

## REMARKS

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1-12 are pending in this case. Claims 1, 5, and 6 are amended herein and claims 13-18 are cancelled herein.

The Examiner rejected claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. Claims 1, 5, and 6 are amended to overcome the rejection.

Applicant respectfully submits that claim 2 is definite and particularly points out and distinct claims the subject matter that applicant regards as the invention. The use of the term "on the order of" as used in claim 2 would be understood with reasonable definiteness by one of ordinary skill in the art, especially in light of the teachings of the specification that the exact slope is not critical.

The term "approximately" has been removed from claims 5 and 6. The term "closely spaced" has been removed from claim 1. Accordingly, Applicant respectfully requests that the rejection now be withdrawn.

The Examiner rejected claims 1, 3, 5, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808).

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12.

The Examiner rejected claims 4 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12 and further in view of Shields (6,083,850).

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12 and further in view of Bothra et al. (U.S. 6,046,102).

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12, and further in view of Aug et al. (U.S. 6,284,644).

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12 and further in view of Tsai et al. (U.S. 6,376,394).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in combination with Jang

et al. (U.S. 6,174,808) as applied to claims 1, 3, 5 and 12 and further in view of Wolf.

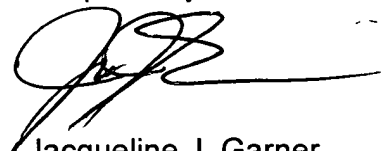
Enclosed herewith is an affidavit under rule 131 to swear behind the Jain reference. As evidenced by Exhibit A, the claimed invention was conceived and reduced to practice prior to the filing date of the Jain et al reference. The SEM photographs of pages 6-8 of Exhibit A show a cross-section of a partially fabricated integrated circuit having an HDP liner layer, a gap-fill layer (HSQ), and a dielectric layer over the gap-fill layer (PETEOS). The photographs of pages 7 and 8 also show a via as claimed. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

The other references cited by the Examiner have been reviewed but are not felt to come within the scope of the claims as amended.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1-12. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Texas Instruments Incorporated  
P.O. Box 655474, M/S 3999  
Dallas, TX 75265  
PHONE: 214 532-9348  
FAX: 972 917-4418

Respectfully submitted,



Jacqueline J. Garner  
Reg. No. 36,144